

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SIXTY-THREE STRATEGIC INVESTMENT)
FUND; AND PRESIDIO GROWTH LLC)
(Tax Matters Partner),)

Case No. C 05-1123-RS

Petitioners,

Related to Case Nos. C-04-4309-RS, C-04-4398-RS, C-04-4964-RS, C-04-4264-RS, C-05-1996-RS, C-05-2835-RS, and C-05-3887-RS

VS.

UNITED STATES OF AMERICA.

STIPULATION TO MODIFY SCHEDULE

Respondent.

Pursuant to Civil Local Rule 6-2, Petitioners Presidio Growth, LLC and Presidio Resources, LLC (“Presidio”), Intervenor J. Paul Reddam and Clarence Ventures, LLC, Intervenor Tom Gonzales and Birch Ventures, LLC, and Respondent, the United States, hereby request that the response and reply deadlines with respect to dispositive motions in this (and the captioned related cases) be extended two weeks and the hearing date also be extended, as follows:

The parties seek to extend the deadline for Petitioners Presidio [and Intervenors Tom Gonzales and/or Birch Ventures, LLC] to respond to the United States' motions for summary judgment (filed in this and the captioned related cases) from April 4, 2013 to April 18, 2013.

STIPULATION
(Case No. C 05-1123-RS)

1 long as Presidio continues to actively defend the BLIPS transaction, Intervenor J. Paul
2 Reddam and Clarence Ventures, LLC do not intend to file separate responsive papers to the United
3 States' motions for summary judgment with regard to the merits of BLIPS. However, Intervenor
4 J. Paul Reddam and Clarence Ventures, LLC reserve the right to respond to the United States'
5 motions for summary judgment where their arguments diverge from Presidio's, specifically with
6 regard to their conflict of interest argument. Further, if at any time Presidio no longer continues to
7 defend the BLIPS transaction, Intervenor J. Paul Reddam and Clarence Ventures reserve the right
8 to defend the merits of BLIPS by responding to the United States' motions for summary judgment
9 or in later proceedings.

11 The parties also seek to extend the deadline for the United States to respond to a motion for
12 summary judgment filed by Intervenor J. Paul Reddam and Clarence Ventures, LLC in this case
13 from April 4, 2013 to April 18, 2013. The parties further seek to extend the deadline for the
14 United States (with respect to its pending motions) and Intervenor J. Paul Reddam and Clarence
15 Ventures, LLC (with respect to its pending motion) to file replies from April 11, 2013 to May 2,
16 2013.

18 The parties would also request that the Court set a hearing date for the motions of either: 1)
19 May 20, 21, or 22, 2013; 2) May 9, 2013; or 3) June 20, 2013.

21 The parties stipulate that Presidio may file its response to the United States' motions for
22 summary judgment in one case and it will be deemed filed in all related cases.

23 The Government does not stipulate or agree that Intervenor Birch Ventures, LLC and/or
24 Tom Gonzales may additionally brief the issues raised by Birch Ventures in its dispositive motion
25 filed in related Case No. 05-cv-02835 (Docket No. 64). The Government takes the position that
26 the issues raised by Birch in that motion have been fully briefed. Intervenor Birch Ventures
27 and/or Tom Gonzales also do not stipulate or agree that they cannot file additional briefing in
28

related Case No. 05-cv-02835 (Docket No. 64). The parties do request that the hearing date for that motion, which is now set to be argued on April 25, 2013, also be set for the same date the Court sets the other dispositive motions.

Effect on the Schedule for the Case

1. The requested change would move the opposition deadline for the above-referenced dispositive motions which were filed on March 21, 2013 from April 4, 2013 to April 18, 2013.

2. Further, the deadline to file reply briefs would be moved from April 11, 2013 to May 2, 2013.

3. Finally, the hearing date for all pretrial motions would be moved from April 25, 2013 to either: 1) May 20, 21, or 22, 2013; 2) May 9, 2013; or 3) June 20, 2013.

4. The trial date of October 7, 2013, will remain unchanged.

NOW, THEREFORE, IT IS AGREED AND STIPULATED by the parties, subject to an order of the Court that:

(A) The deadline to file oppositions to the above-referenced dispositive motions is moved from April 4, 2013 to April 18, 2013;

(B) The deadline to file reply briefs is moved from April 11, 2013 to May 2, 2013; and

(C) The hearing date for dispositive motions is moved from April 25, 2013 to either: 1) May 20, 21, or 22, 2013; 2) May 9, 2013; or 3) June 20, 2013.

Dated: April 1, 2013

Respectfully submitted:

/s/ Steven M. Bauer

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PURSUANT TO STIPULATION, IT IS SO ORDERED. The hearing date for
dispositive motions will be held on June 20, 2013.

Dated: 4/1/2013


Honorable Richard Seeberg
United States District Judge